IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

:

SHAWN THOMAS MOORE, pro-se Plaintiff,

v.

No.2:14-cv-00870-DSC-MPK Honorable David S. Cercone

Chief Mag. Maurenn P. Kelly Civil Action - Law

JURY TRIAL DEMANDED

SUSEN ROSSINO, M.D.;
BRIAN LUFFEY; PRIMEGARE MEDICAL INC.,

Defendants.

EX-PARTE MOTION ---

FILED

JUN 1 0 2016

CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

EX-PARTE MOTION TO HAVE DEFENDANTS PRIMECARE MEDICAL AND BRIAN LUFFEY DISCONTINUED AS DEFENDANTS FOR REMAINING CLAIM

AND NOW comes the Plaintiff, Shawn Moore, pursuant to the above entitled matter, and respectfully requests this court dismiss Defendants, Brian Luffey and PrimeCare Medical, to the remaining claim of untreated pain. The Plaintiff states the following facts in support thereof:

FACTS IN SUPPORT

- 1. This case is a claim for violations of plaintiff's rights under 42 U.S.C. § 1983.
- 2. Chief Magistrate, Maureen P. Kelly, issued her "Report and Recommendation" on May 1st, 2015.
- 3. The report dismissed Plaintiff's claim for nontreatment of his Hepatitis C and allowed his claim for nontreatment of pain to proceed against all defendnats.
- 4. Since the initial Case Management Order issued by the court, the court has issued two additional orders extending the deadlines for the completion of discovery.
- 5. The Third, and most recent, Case Management Order was issued at the request of Defendants, Brian Luffey and PrimeCare

- 6. Plaintiff's second ammended complaint was not intented to hold defendants, Brian Luffey and PrimeCare Medical, accountable for nontreatment of his pain.
- 7. After receiving discovery from these defendants, plaintiff will not be able to establish liability, or Deliberate Indifference, on their part for nontreatment of his pain.
- 8. To prevent further time and expense of Defendants,
 Brian Luffey, and PrimeCare Medical, Plaintiff requests these
 two defendants be dismissed from the remaining claim of nontreatment
 of his pain.

WHEREFORE, plaintiff respectfully requests that these two defendants, Brian Luffey and PrimeCare Medical Inc., be dismissed from the remaining claim of plaintiff for non treatment of his pain. Plaintiff requests this court grant any relief it deemd fit and proper.

Dated: June 6th, 2016.

Respectfully submitted,

SHAWN MOORE #LZ-9799

S.C.I.P.

P.O. Box 99991

Pittsburgh, PA 15233

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Dismiss

Defendants Luffey and PrimeCare from remaining claim, has been served on the following by depositing the same in the United States Mail, postage prepaid, in Pittsburgh, PA on June 6th, 2016.

John A. Lucy, Esquire 301 Market St. P.O. Box 109 Lemoyne, PA 17043 Attorney for defendants Luffey and PrimeCare

Bret C. Shear, Esquire Terry C. Cavanaugh, Esquire Marshall, Dennehey, Warner, Coleman & Goggin, P.C. U.S. Steel Tower 600 Grant Street, Suite 2900 Pittsburgh, PA 15219 Attorney for Defendnat Susen Rossino, M.D.

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